

REMARKS

Reconsideration of this application is respectfully requested.

Claims 142-151 are pending in this application. Claims 142-150 are allowed.

The Examiner suggested that the claims, although not indefinite, could be made "even clearer." (Office Action at 4.) In view of the Examiner's suggestion, applicants have amended claim 151 to further clarify that the claim is directed to a method of making HIV-1 RNA.

Claim 151 was rejected under the judicially created doctrine of obviousness-type double patenting over claim 1 of U.S. Patent No. 6,627,395 ("the '395 patent"). The Examiner contends that claim 1 of the '395 patent "represents a species of the current, broader claim in which step (a) of claim 1 of U.S. Patent 6,627,395 teaches the step of providing a biological fluid comprising HIV-1 infected cells . . ." (Office Action at 3.)

Applicants traverse the rejection. The Examiner's premise that claim 1 of the '395 patent is simply a species of claim 151 is in error. Claim 151 recites a "biological fluid." In contrast, claim 1 of the '395 patent recites a "biological sample." A biological sample is not simply a species of a biological fluid. Thus, claim 1 does not simply represent a species of claim 151. Accordingly, applicants respectfully request withdrawal of the rejection.

Applicants respectfully submit that this application is in condition for allowance. In the event that the Examiner disagrees, he is invited to call the undersigned to discuss any outstanding issues remaining in this application in order to expedite prosecution.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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